



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

MAY 2 2008

The Honorable Theodore R. Mitchell
President
California State Board of Education
1430 N. Street, Suite 5111
Sacramento, California 95814

The Honorable Jack O'Connell
Superintendent of Public Instruction
California Department of Education
P.O. Box 944272
Sacramento, California 94244-2720

Dear President Mitchell and Superintendent O'Connell:

I am writing in response to your April 10 letter, in which you requested that California enter into a timeline waiver rather than a Compliance Agreement regarding the remaining components of the California assessment system.

As I noted in my letter of February 6, the California assessment system does not meet all of the requirements of the *Elementary and Secondary Education Act of 1965* (ESEA), as amended by the *No Child Left Behind Act of 2001* (NCLB). The 8th-grade assessments, particularly the General Mathematics assessment, which measures 6th- and 7th-grade academic content, are not aligned with 8th-grade content standards. Consequently, California's system still does not meet the statutory and regulatory requirements of sections 1111(b)(1) and 1111(b)(3) of the ESEA. As your letter notes, this problem will not be rectified until spring 2010. By then, the California assessment system will have been out of compliance with the assessment requirements for four years. In addition, fully half of all 8th-graders in California (219,000 students) took the General Mathematics assessment in 2006-07. The nature of this noncompliance and the time required for the state to demonstrate full compliance necessitate California's entry into a *Compliance Agreement* with the Department as authorized by Section 457 of the General Education Provisions Act.

The purpose of a compliance agreement is to enable a grantee to remain eligible to receive funding while coming into full compliance with applicable requirements as soon as feasible but within three years. Absent such an agreement, California would put its eligibility to continue receiving funds at risk. I appreciate your willingness to take the necessary steps to bring the California assessment system into full compliance and the schedule of activities included in your April 10 letter. This is a good start and my staff will work with your staff to refine it as necessary to include the detailed action steps related to the Department's Peer Review Guidance (e.g., documenting alignment with grade-level content standards).

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202
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California Department of Education
06/03/2008

If you have any questions or would like to discuss this further, please do not hesitate to contact Grace Ross (Grace.Ross@ed.gov) or Patrick Rooney (Patrick.Rooney@ed.gov) of my staff.

Sincerely,



Kerri L. Briggs, Ph.D.

cc: Governor Arnold Schwarzenegger
Secretary Dave Long
Bill Padia
Deb Sigman
Debora Merle